

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>LARRY BANKS,</b>	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 12 C 4999
	)	
<b>CHICAGO POLICE DEPARTMENT, et al.,</b>	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Although multiple filer Larry Banks ("Banks") seeks in forma pauperis status in connection with this putative 42 U.S.C. § 1983 ("Section 1983") lawsuit, he has not complied with the provisions of 28 U.S.C. § 1915(a)(2) that require him to provide a certified copy of his trust fund account statements for the six-month period that preceded the filing of his Complaint. That makes it impossible for this Court to determine whether he is enabled to pay the \$350 filing fee in installments or is required instead to pay that fee up front.

Because Banks has failed to date the Complaint (which has been submitted on the form made available by this District Court's Clerk Office for use by persons in custody), the precise six-month period called for by the statute cannot be determined – Banks' In Forma Pauperis Application ("Application") contains a certificate from the authorized officer at Pinckneyville Correctional Center ("Pinckneyville," where Banks is in custody) that was dated on June 8, 2012, but the Complaint and Application were not received in the Clerk's Office here until June 22.<sup>1</sup>

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<sup>1</sup> That latter date is of course inapplicable because of the "mailbox rule."

Accordingly, this Court will accept a submission that covers either the six months ended June 8 or the six month period ended on a date shortly before June 22.

It should be noted that the Pinckneyville certificate states that Banks has been at that institution only since May 17, 2012, so that the major part of the six-month period should be covered by a statement from the institution or institutions where Banks was previously in custody (whether the Cook County Jail or elsewhere). If Banks fails to provide the requested information on or before July 17, 2012, the Application will be denied and Banks will have until July 27, 2012 to pay the \$350 filing fee, failing which the Complaint and this action will be dismissed.<sup>2</sup>



Milton I. Shadur  
Senior United States District Judge

Date: June 26, 2012.

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<sup>2</sup> Incidentally, the "Chicago Police Department" is not a suable entity and should be dropped if this lawsuit goes ahead. By the same token, nothing in the Complaint implicates Police Superintendent Gary McCarthy personally, so that he too should be dropped if the lawsuit proceeds.